

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Docket No.:
3:03-CV-30290-MAP

DIRECTV, INC.,)
Plaintiff)
)
v.)
)
DEAN MOLTA,)
Defendant)

DEFENDANT'S MOTION TO REMOVE DEFAULT

Now comes the Defendant, Dean Molta, in accordance with Fed.R.Civ.P. Rule 55 (c) and requests this court to remove the default in the above referenced matter. As grounds therefor, Defendant states that he sought counsel in a timely manner and relied on that counsel to perform hereunder. Defendant later discovered that counsel had not performed and that a default had entered. Please see attached affidavit of Dean Molta in support of this motion.

Wherefore, Defendant requests this Court to remove the default and enter the accompanying Answer.

Respectfully submitted,
DEAN MOLTA

By: 
Scott Hibbert, Esq.
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Defendant)

AFFIDAVIT OF DEAN MOLTA IN SUPPORT OF DEFENDANT'S
MOTION TO REMOVE DEFAULT

After first being sworn, I depose and state the following:

1. I am Dean Molta, the named Defendant in the above captioned matter.
2. On 3/5/2004 I was served with the Complaint in this matter. Within two days I met with Attorney Paul Mancinone. It was my understanding that Attorney Mancinone would answer the Complaint.
3. In late March 2004 I inquired of Attorney Mancinone regarding the status of the matter. I was informed by Attorney Mancinone that he had referred the matter to Attorney Mary McNally.
4. In early April 2004 I inquired of Attorney McNally what the status of the matter was. I was informed by Attorney McNally that she was working on it.
5. In June 2004 Attorney McNally informed me that she would not represent me in the matter and returned the Complaint to me.
6. I subsequently contacted Attorney Scott Hibbert who has agreed to represent me in this matter.

Signed under the pains and penalties of perjury this 5th day of August 2004.


Dean Molta

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CERTIFICATE OF SERVICE

I certify that I have served the foregoing DEFENDANT'S MOTION TO REMOVE DEFAULT with accompanying Affidavit of Dean Molta, as well as the Defendant's ANSWER upon the Plaintiff by mailing, postage paid, a copy of the same counsel for the Plaintiff, John M. McLaughlin, Esq., 31 Trumbull Road, Northampton, MA 01060.



Scott Hibbert, Esq.

dated: 8/5/2004